

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JIN ACKERMAN,

Plaintiff

v.

WARDEN GITTERE, *et al.*,

Defendants

Case No. 3:20-cv-337-MMD-WGC

ORDER

I. DISCUSSION

On June 8, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

(1) a completed Application to Proceed in Forma Pauperis for Inmate, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

Plaintiff has not submitted an Application to Proceed *in Forma Pauperis* on this Court's approved form, a properly executed Financial Certificate on this Court's approved form, or an inmate account statement for the previous six-month period. Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) without

1 prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time**
2 **extension** to file a fully complete application to proceed *in forma pauperis* containing all
3 three of the required documents. Plaintiff will file a fully complete application to proceed
4 *in forma pauperis* on or before **August 10, 2020**. Absent unusual circumstances, the
5 Court will not grant any further extensions of time. If Plaintiff is unable to file a fully
6 complete application to proceed *in forma pauperis* with all three required documents on
7 or before **August 10, 2020**, the Court will dismiss this case without prejudice for Plaintiff
8 to file a new case with the Court when Plaintiff is able to acquire all three of the documents
9 needed to file a fully complete application to proceed *in forma pauperis*. To clarify, a
10 dismissal without prejudice means Plaintiff does not give up the right to refile the case
11 with the Court, under a new case number, when Plaintiff has all three documents needed
12 to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may
13 choose not to file an application to proceed *in forma pauperis* and instead pay the full
14 filing fee of \$400 on or before **August 10, 2020** to proceed with this case. The Court will
15 retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint
16 unless and until Plaintiff timely files a fully complete application to proceed *in forma*
17 *pauperis* with all three documents or pays the full \$400 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
20 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
21 application to proceed *in forma pauperis* with all three documents.

22 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
23 approved form application to proceed *in forma pauperis* by an inmate, as well as the
24 document entitled information and instructions for filing an *in forma pauperis* application.

25 IT IS FURTHER ORDERED that on or before **August 10, 2020**, Plaintiff will either
26 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
27 administrative fee) or file with the Court:

28 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

1 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
2 signatures on page 3),

3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
4 official (i.e. page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
6 **previous six-month period.**

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
8 application to proceed *in forma pauperis* with all three documents or pay the full \$400
9 filing fee for a civil action on or before **August 10, 2020**, the Court will dismiss this action
10 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
11 when Plaintiff has all three documents needed to file a complete application to proceed
12 *in forma pauperis*.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
14 (ECF No.1-1) but will not file it at this time.

15 DATED: June 10, 2020

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17 UNITED STATES MAGISTRATE JUDGE